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IN MEMORIAM

THOMAS ALLEN JENCKES.









*Thomson*



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THOMAS ALLEN JENCKES.

BORN NOVEMBER 2, 1818.

DIED NOVEMBER 4, 1875.





## THOMAS ALLEN JENCKES.

[*Providence Journal*, November 5, 1875.]

THE Honorable THOMAS ALLEN JENCKES died at his residence in Cumberland, yesterday morning, about 5 o'clock.

This event has long been expected. A constitution of great natural vigor, and that had tempted him to an amount of uninterrupted physical labor which no constitution can safely undertake, had yielded slowly, and with constant resistance, to the painful and complicated disease which terminated his life.

Mr. Jenckes was descended from an ancient Rhode Island family, which was among the early settlers of the State, and which has always maintained a position of high respectability. He was born on the 2d of November, 1818, in the town of Cumberland, on the estate where he died. He was educated at Brown University, where he graduated in the class of 1838, one of more than ordinary distinction. Among his classmates were Rev. Albert N. Arnold, Judge Charles S. Bradley, James M. Clarke, Rev. A. D. Cole, George Van Ness Lothrop, Judge Marcus Morton, Edward D. Pearce, President E. G. Robinson, Rev. J. C. Stockbridge, Rev. J. P. Tustin and Henry C. Whitaker.

Mr. Jenckes gave early promise of the distinction at which he arrived, and, in his youth, manifested the qualities

which, in their later development adorned the bar of his native State and the councils of the nation. He was distinguished, at school and at college, for love of study, great capacity for labor, and a wonderful memory, for his acquirements in literature, his wit, his taste for poetry, and although they do not often go with poetry, for mathematics and physical science. All these qualities he retained, and by practice added to their strength, and all these studies he kept up. His memory was

“Wax to receive, and marble to retain.”

And he had the faculty of applying the treasures of his memory to the present emergencies. Whatever he knew that could bear upon the question before him, whether of fact, of illustration or argument, rose spontaneously, at the moment when it was most useful to him. What others studied and recalled and hunted authorities for, he simply remembered and apprehended and applied; so that the general studies of previous years, and what to many would be forgotten studies, became to him the preparation for the case before him.

Admitted to the bar, he formed a copartnership with Edward H. Hazard, in this city, and rose rapidly to eminence in his profession. He was first brought prominently into notice by an argument before Judge Story, in a case under the bankrupt law of 1841, in which he took a position against the opinion of the general legal authorities, and carried the court in what seemed a strained construction of the law. The act was approved August 19, 1841, but did not go into effect till February 1, 1842. It forbade preferences to creditors made in contemplation of bankruptcy. On the 18th of December, 1841, George W. Taylor made an assignment to Amasa Manton, preferring him to his other



creditors. The question was whether this preference was forbidden by the act which was passed previous to the date of the assignment, but did not go into effect till afterwards. Mr. Whipple, Mr. Atwell, and other leading lawyers gave their opinion sustaining the assignment. Mr. Jenckes, then a very young man, gave his opinion against all this weight of authority, and the court (Judge Story) so held. In that case, we always thought that the shrewdness of Mr. Jenckes's partner was as conspicuous as his own learning and ability. But the presentation of the case was wholly his own, and the reputation which it gave to him was abundantly justified by his subsequent triumphs in his profession.

Mr. Jenckes has left a name among the great lawyers of the country. His opinion was consulted in the most important cases, and his standing with his professional brethren was among the first in learning and in ability. Remembering that James M. Varnum, James Burrill, Nathaniel Searle, John Whipple, Benjamin Hazard and Samuel Ames have adorned the bar of Rhode Island, we should hesitate to call any one of their successors the greatest lawyer in the annals of the State. But even among those names, Mr. Jenckes must be considered, if the preëminent one of all were to be selected; and we suppose that the general voice of his contemporaries who survive him would place him at the head of the bar in his time. We suppose that no other man among us ever rose so rapidly, at the bar, or, until the exaggerated fees of the last few years, ever received so large rewards from it. He had given great attention to the law of patents, for the practice in which he was further qualified by mechanical tastes and acquirements; and he was employed in many of the heaviest patent cases that have been litigated for the last thirty years.

Besides his knowledge of mechanics, in which he was excelled, perhaps, by but a single member of our bar, he had a thorough acquaintance with book-keeping, and could go through a set of complicated mercantile accounts with the facility of an expert.

Mr. Jenckes's information upon mechanical and scientific matters was illustrated in a report which he made on the ventilation of the halls of Congress. The subject was referred to a joint select committee, of which he was chairman, on the part of the House, and in the conduct of which he astonished his colleagues and the experts, by his acquaintance with the principles, the methods, the defects, and the difficulties of the whole matter. We have thought that he felt a greater pride in that report than in some efforts which gained him much greater distinction.

When the government decided to proceed against the parties to the Credit Mobilier in the Pacific Railroad, Mr. Jenckes was selected as one of the counsel on the part of the government; but his failing health prohibited him from that active and leading part in the case which had been expected from his talents and his reputation. His name was familiar in all the courts, and much of his practice was in the city of New York, where he had an office. His practice was also large in the Supreme Court at Washington.

Mr. Jenckes took to politics with the taste of an American citizen and the instinct of a Rhode Islander. In the insurrection of 1812 he adhered to the constituted authorities, which he served in a civil and in a military capacity, and whose cause he supported with his pen. He was one of the Secretaries of the "Landholders Convention" of 1841 and of the Convention which framed the present constitution of the State in 1842. When the Governor's Council was estab-

lished, he was appointed its Secretary. At this time he was one of the young men who contributed so much to the interest and liveliness, to the value and influence of the JOURNAL, rivalling Rivers and Ames in the keenness of his wit and the spirit of his travesties and his satires. He was, in those days, exceedingly happy in verse, and some of his epigrams and parodies, thrown off at the instant of the occasion, deserve to rank with the best specimens of this effective style of political writing.

Mr. Jenckes served in both houses of the General Assembly, with the ability and distinction which he displayed in whatever employment. There he made a remarkable speech in the celebrated case of Hazard and Ives, involving the right of the General Assembly to revise the judgments of the court, so far as to direct a new trial. This speech, with that of Nathan F. Dixon, afterwards his colleague in Congress, carried the General Assembly against its own previous opinion, against what was undoubtedly the popular sentiment and the prejudice of tradition, and against some of the most powerful appeals ever made to the people of the State. This was one of the greatest forensic triumphs in the annals of Rhode Island, and in some respects resembled the great paper money case in which Varnum won such honor in 1786, when the force of his persuasion and the irresistible power of his reasoning convinced the court against the very judgment which they had been appointed to confirm, and led them to pronounce unconstitutional the law that was the issue on which their party came into power.

In 1855, Mr. Jenckes was appointed one of the commissioners to revise the laws of the State. His colleagues were Samuel Ames, Benjamin T. Eames, Wingate Hayes and



Henry Howard. The Revised Statutes of 1857 were the result of that commission.

In 1862, Mr. Jenckes was elected a member of the national House of Representatives, and took his seat at the opening of the Thirty-eighth Congress. He was reelected to the Thirty-ninth, the Fortieth, and the Forty-first Congresses. There he fully justified the reputation that had preceded him, and added largely to it. He at once took a commanding position in the House. He was placed at the head of the committee on patents, and on the committee on the judiciary. When the impeachment of Johnson was voted by the House, he came within a few votes of being selected as one of the managers. Some of his most distinguished services in Congress were upon the civil service reform, the general bankrupt law, and the patent and copy right law. But he took a prominent part in all the deliberations of the House, and on legal questions he was an acknowledged authority with the best lawyers of the body. He was a firm and vigorous supporter of the war for the maintenance of the Union, in the beginning, and took an advanced view of the measures that were necessary for its successful prosecution. Before the rebellion became flagrant, he was deeply impressed with the gravity of the crisis and with the certainty of the impending struggle. He did not under-estimate the strength of the enemy, but he never doubted the success of our arms, and looked forward to a final triumph with a confidence based on the justness of the cause and the superior resources of the national party. He was in communication with Mr. Stanton, when that strong and patriotic man was penetrating the secrets of the rebel leaders, and especially of those marvels of treachery, who, while holding intimate and responsible relations with the government, were in

complicity with the conspirators for its overthrow, who were disposing of the scanty military resources of the country in such manner that they might most easily fall into the hands that would turn them against us : and were ordering everything for the success of the rebellion of which they were among the chief promoters. Entertaining these views, and possessing this information, Mr. Jenckes urged upon the State and federal governments the most active and vigorous measures, and employed his personal influence with his fellow-citizens to the same end. In his apprehensions and in his policy he agreed mainly with Gov. Andrew, as did his opinions, in a large degree. Both these eminent men were thought by too many to have over-estimated the magnitude of the crisis, but both were soon and abundantly justified by the attitude of the southern States.

It is not easy to make such an estimate of Mr. Jenckes's character as would be understood by those who did not know him. His great ability and his acquirements, in his profession and in wider fields, were evident to all who came in contact with him, either personally or by his works. But the secret of his power was not plain to many who felt it, and his intellectual methods, sometimes, were not easily followed. He was grave, taciturn, almost saturnine, yet he could light up with a play of wit and fancy which made him the life of the social circle. At such time his conversation was delightful and instructive. He drew from his memory, or rather there came welling up from his memory, anecdote, illustration, history, poetry, romance and philosophy. Whatever subject was started, he had read something upon it that was worth reading, and what he had read he did not forget. To verify a quotation or to fix a date, he was as good as a dictionary. He kept up to the last his familiarity with the Greek and Latin

classics, and he devoured contemporaneous literature with an appetite that was ravenous. Upon a familiar subject, or one that did not require close study, he went through a book with a rapidity which seemed to catch the narrative as he turned the leaves. He was a great reader of newspapers, American and foreign, and kept constantly posted in current events. His library was a good advertisement of the new works of reference, those useful and sometimes delightful volumes to which so much labor and research and scholarship have recently been directed.

When he did not wish to speak, the inquirer might as well have questioned the Sphinx, and when he found it necessary to make an answer, where he did not chose to give information or to declare an opinion, the oracle of Delphi was more direct and satisfactory. The ingenuity with which he parried impertinent curiosity, and the provoking imperturbability with which he sometimes met inquiries that were entitled to be put, if not to be answered, furnished many amusing recollections, which will occur to those who were familiar with him. He was almost the only man of our acquaintance, who, we think, could have withstood a professional interviewer. The adventurous man who attempted him would have gone back with an empty note-book, or with information of very moderate value, in comparison with its bulk.

Mr. Jenckes's lack of sociability at ordinary times, his want of enthusiasm, were the subject of many jokes and witticisms among those who knew how well he could assume these deficiencies, when they suited his mood or were desirable for his purposes. To these hits he submitted with good sense, and often joined in them, and with retaliation. When he was a candidate for Congress, the late William P. Blodget wrote a



song which he sang with great effect at political meetings, the refrain of which was—

“ We’ll go for our own candidate,  
The enthusiastic Jenckes.”

His opponents could take little advantage of a popular defect that his friends laughed at.

He was, at all times, as ready with the pen as with speech, and wrote with great facility and with an accuracy that was as remarkable as its rapidity. Unlike most good writers, his manuscript was remarkably free from erasures and emendations, and he did not disdain a legible penmanship. In these respects he resembled Benjamin Hazard. We remember an instance of this. He came into the JOURNAL office, in haste, his carriage standing at the door, and desired that an article might be written, synoptical and explanatory of a complicated legislative act that had just been passed, and which was of more than usual public interest.

“ Write it yourself,” was the natural observation of an overworked editor.

“ I have not time; I am late now for an engagement.”

“ It will take you as long to explain it as to write it; and then the chances are that you will be obliged to come here to-morrow, and correct it.”

He took the pen which flew across the paper as though he were taking notes of a rapid speaker, and sheet after sheet came from his hand, as clear, in its characters and in its style, as though he had devoted hours to its preparation. “ There,” he said, as he threw aside the last page, “ you were right; it was easier to get it out of my head than into yours.”

No man in public life ever had less of the character of a demagogue. Whatever distinction he attained was the

result of his merit, not of his solicitation. He disdained to flatter the constituency whose admiration he challenged, and he relied upon public services, not upon personal blandishments, to commend him to the people. Like the late Senator Fessenden, he perhaps held public opinion in too light esteem: and like him, if he had tried, he could not have exercised the arts of popularity. Mr. Fessenden used to state that, when he first run for Congress, his friends rebuked him for his reticence and his seclusion, and told him that he must go into the street, shake hands with whomever he met, and affect an affability, if he did not feel it. In obedience to their wishes, he started in search of popularity: and the next day they told him to stop, that his demeanor was bad enough before, but that the improvement in it was quite intolerable.

A remarkable instance of Mr. Jenckes's adherence to his own judgment, in defiance of public opinion, was in the case of the bankrupt law, of which he was the author. The opinion of this State was decidedly opposed to the enactment, not for the reason on which the opposition to it was generally based, but because it interfered with the system of preferences that had always prevailed here, and to which system, however vicious, our whole business had become adapted and under which we had greatly prospered. Debtors and creditors were alike opposed to the change which the bill contemplated, and even those who favored its reforming principles, feared the immediate shock to commercial credit. Remonstrances poured in, but Mr. Jenckes, satisfied that the bill was based on sound principles, that it was a necessary part of a commercial system, and that it would vindicate itself in practice, was not moved in his judgment or in his purpose. Long afterwards he had the satisfaction of receiving as earnest remonstrances from the same quarter against the propositions to repeal the law.

Mr. Jenckes possessed the underlying quality of a manly character, courage, moral, intellectual and physical. If he sometimes under-estimated the strength of an antagonist, or the difficulty of an undertaking, he was not afraid of the one, nor did he shrink from the other : but invited his opponents upon his field or met them upon their own. Macaulay holds that no character is perfectly rounded and proportioned, unless it be one of moderate capacity : that the extraordinary development of one power, or of more than one, if not made at the expense of the others, causes them to seem inferior, at least, by the contrast. In his essay on Madame D'Arblay, he says :—

“ The very excellence of a work shows that some of the faculties of the author have been developed at the expense of the rest ; for it is not given to the human intellect to expend itself wisely in all directions at once, and to be at the same gigantic and well proportioned.”

If we were to look for that quality in Mr. Jenckes, which, in the theory of Macaulay, he did not bring up to the full level of his large intellect, we should name that of judgment : not that he was by any means deficient in judgment, but that he was not equal in it to his other powers, which sometimes overmastered it, and led him, the victim of his own ingenuity, into sophistries which he would have detected at once in another, and which only his own imagination, not another's, could have imposed upon him. But the ingenuity which sometimes led him into untenable positions never failed to extricate him from them. And by however devious ways, through whatever difficulties and dangers, he reached the point where he had chosen to establish himself, he stood there impregnable. Those who pursued him might criticise the process by which he arrived there, but they could not dislodge him.

He met the approach of the supreme hour with calmness and without complaint. His endurance of pain was heroic. He watched the slow advance of death as though another was the sufferer and he the spectator. He neither feared its coming, nor did pain provoke him to chide its tardy steps. He speculated curiously on the nature of his disease, and talked with philosophy of its inevitable termination. Death, he said, was a part of life, as necessary as any other process of existence ; as natural in its consequences, as wise in its ordination, as beneficent in its purpose.

So lived, and so passed away, one of the strong men of Rhode Island. He served, with great ability, the generation in which he lived, he impressed his ideas upon the national legislation, and left his mark upon the statute book. He finished much that he undertook, he inaugurated much to be completed by others. He died in the full strength and maturity of his powers, and when, under ordinary conditions, the years of his greatest usefulness would seem to be before him, when his ripened experience was richest, and his trained and invigorated intellect was capable of its greatest exertion. But he effected in fifty-seven years, more than most men accomplish, who push their duration to the verge of a century.

*Acta senem faciunt ; hæc numeranda tibi :  
His ævum fuit implendum, non segnibus annis.*

H. B. A.



[*Providence Evening Press*, November 5, 1875]

By the death of Mr. Jenckes, Rhode Island loses one of her profoundest men. He was a great lawyer. Few in the State equalled him. With the possible exception of the late Chief-Justice Ames, perhaps it is not too much to say that none equalled him. It is very certain that no one surpassed him. Some indeed were better versed in the graces of rhetoric, and some possessed more of the arts of oratory than he, but when it came to planting a case squarely on the law, when abstruse points were to be discussed, and learned judges were to be convinced, Mr. Jenckes was *facile princeps*. His preëminent ability was recognized alike in the Supreme Court and on the floor of Congress. His fame as a legislator rested upon no mere superficial social attractions, but upon his intelligent and untiring efforts to improve the laws of the land. He labored ceaselessly to elevate the civil service to a higher plane of excellence. He was successful in procuring the enactment of an uniform system of bankruptcy for the whole country, and his instrumentality in obtaining that important legislation was fitly recognized by the justices of the Supreme Court employing him to draft the rules and regulations required to carry the act into operation.

Twenty years ago the writer studied law with Mr. Jenckes, and hence, of course, was thrown into close personal relations with him. At that time he was in the full tide of success,

for his connection with suits growing out of the Sickles and Corliss patents relating to the steam engine, and the famous Day and Goodyear rubber suits, frequently took him into the Circuit Courts of the different States, and into the Supreme Court of the United States. His business here, also, was very extensive; and he was engaged in nearly every important litigation pending in the State. Only an Herculean constitution could have enabled him to accomplish so much. In the terrible panic of the Fall of 1857 his labors were literally restless, and during many nights he did not take off his clothes.

One of the secrets of his eminent success was his thorough earnestness, his unwearied industry, and his unsurpassed self-control. He invariably urged his students to stick to their books if they would achieve success, and more than once he has been heard to say that he made it a rule of life to read a certain quantity of law each day, no matter how pressing his engagements might be.

At that time he was rapidly accumulating the superb library in which he took so much pride and pleasure, and huge cases were constantly arriving filled with heavy volumes of law, as well as with works of a lighter character. Law by no means monopolized all his time and attention, for he had a keen appreciation of the delights of literature and the charms of poetry. One afternoon, conversation fell upon Tennyson's *Maud*, then just published, and Mr. Jenckes and one of his students, for he had several, repeated from memory a number of successive pages of that poem, the one taking it up where the other left off.

His self-control was wonderful, for he never lost his temper, and irritable words never escaped his lips. He was a stranger to detraction, and though often traduced himself,

he never indulged in the tradition of others. It would be pleasant to dwell still further upon the memories that throng the mind, but now they must be brought to a close. The name of Thomas A. Jenckes must be added to the long list of the sons of Rhode Island whose lives have contributed to her fame.

H. R.

## RESOLUTIONS OF THE PROVIDENCE COUNTY BAR.

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A meeting of the Providence County Bar was held at the Court House at 12 o'clock noon on Saturday, November 13th, to hear and consider the resolutions which had been proposed by the committee appointed at the former meeting of the Bar concerning the death of the late Hon. Thomas A. Jenckes. There was a large attendance. Hon. Samuel Currey presided.

Hon. E. H. Hazard, chairman of the committee to whom was assigned the duty of preparing the resolutions, said :—

Your committee have drawn two brief resolutions. On referring to our proceedings on similar occasions, and the proceedings in other States, and especially considering the character of Mr. Jenckes, and that he was a man who not only did not court, but almost shunned praise, it seemed to us more decorous and more in consonance with the character of the deceased, that we should present in a brief statement what seemed to us the leading qualities, attributes and attainments of Mr. Jenckes as a lawyer, and the estimation in which he was universally held by us and others, members of the bar, and while we did not feel called upon to say anything especially about him, in the other relations of life, we could not, in view of his well-earned, justly merited and widely-extended reputation as a legislator and a statesman,



ignore the fact. We have drawn the resolutions relating to that subject.

I suppose I express the sentiment of the leading minds in this community and in this country, when I say that at the time of his death there was no man of large experience as a legislator who was more entirely conversant with the forms of our legislation in State or National government, and more skillful in applying them with exactness, than Mr. Jenckes. I don't know but I overestimate him, but if there is any man above him in that capacity, I have not had the good fortune to hear of him or his good works. And we did not think, as a committee of the Bar, that it was proper for us to express all that individual members might feel upon that subject.

I ask the Secretary to read the resolutions which have been drawn, that they may be submitted to the meeting.

The resolutions were then read by the Secretary of the meeting, William W. Douglass, Esq., as follows:—

#### RESOLUTIONS.

THOMAS ALLEN JENCKES, having departed this life, the members of the Bar of his native State, mindful of the loss which they and the public have sustained, and desirous of testifying their respect for his memory, adopt the following resolutions:—

1. That it was due to no adventitious circumstance that Mr. Jenckes, on entering his profession, so early took a position in the front rank.

While possessing uncommon natural gifts, among them great powers of perception and a most retentive memory, he nevertheless had laid broad and deep the foundations of his knowledge by the severest study of metaphysical and the exact sciences, of history and the literature of ancient and modern times.

With a mind thus disciplined and enriched, with habits of thought thus formed, he was enabled to enter immediately upon those intel-

lectual contests with the leading members of the bar in this and other portions of the country, in which he displayed a degree of self possession, a wealth of learning, adroitness and logical power, that commanded universal admiration. During the whole of his professional life, covering a third of a century, even through the months of his last painful illness, he continued that deep and thorough study of the law, which marked the preparation for his profession, thus illustrating by his own example, his faith in the adage often quoted by him that "there is no royal road to learning."

2. In other relations of life, as a legislator, whether in the Assembly of his native State, or in the halls of Congress, where, to use his own expression, he sought to be known by his works rather than by his words, as a statesman and a citizen, it is unnecessary for us to do more than to express our concurrence in the high estimate placed upon him by his fellow citizens throughout the whole country.

3. That a copy of these resolutions be transmitted to the family of our departed brother, to whom we tender our heartfelt sympathy in their bereavement.

4. That these resolutions be presented to the Supreme Court, with the request that they be entered upon its records.

Hon. Samuel Currey, chairman of the meeting, being called upon for some remarks upon the resolutions, spoke as follows :—

It did not seem to me, gentlemen, that the chair should have been expected to say anything upon this occasion. It is not, however, because I have not had an acquaintance with our deceased brother for more than forty years. I knew him somewhat in his college days. He was there one year with me and I with him, and I see a classmate of his on my right and another on my left.

But, it was not until he had commenced his professional practice of the law that I knew more of Thomas Allen Jenckes, than that he had the reputation of a great student in college and was a young man of promise. Very soon

after he commenced the practice of the law, he took an office on the same floor with my office on College street,—the corner Whipple building of the olden times. At that time the great question of what is called “Dorrism” was agitating the people of this State, and grew to be, as you all know, a question of serious consequence. I met with no man, although at that time in 1841, and ’42 and ’43, our Brother Jenckes was comparatively a very young man, I met with no man, I conversed with no man, who appeared to me to grapple the questions of “Dorrism” on the one side, and of “Law and Order” on the other, with such an original comprehension, and, as it were, with such an instinctive power of mind, as Thomas A. Jenckes. I saw him constantly. I was with him constantly. We discussed these questions constantly in 1841, ’42 and ’43.

He became Secretary of the Governor’s Council in 1842, and I say what my brother Hazard, with whom he was associated then in the profession as copartner, will verify, that he originated at the Council Board, and carried out the policy of that board in the legislation of this State, more than any other mind in Rhode Island, or any other man. I do not think that I overestimate the influence or the power of brother Jenckes, at that time a very young man, to fill such a position. He then came, not very long afterwards, to be a member of the Legislature, and was a member for many years; and very many of us know that he was the leading mind—the strong and controlling mind in the House of Representatives of Rhode Island.

I need not say what he performed in Congress, because every one of you know as well as I do what that was.

But I wish now to say something in regard to his attainments as a lawyer. I know it is assuming, in one sense of

the word, a capability on my part to judge of those attainments. But I cannot help that. I very well know the two Messrs. Greene, (with Albert C. Greene I studied my profession,) and John Whipple, and Samuel Y. Atwell, some of whom were men of great intellectual power, excellent and profound lawyers, acute and eloquent advocates. But I never have known in my acquaintance with Rhode Island lawyers, so original, clear, deep, comprehensive and strong a mind, among those that have passed away, (I make no comparison with the living,) as that of our deceased brother. He seemed to grasp the deepest questions as though it were given to him by genius. He seemed to divide up, separate and split apart the nicest questions, as though he were born a metaphysician and a lawyer. I do not know when he got this knowledge. He never seemed to be a more devoted student than other men,—somewhat less so in many respects,—but he had a power, an intellectual power, to grasp the law; and whatever he grasped and mastered, he retained and carried in his memory year after year as long as he lived. Only mention the principle, give him the case that you wished him to resolve, and in an incredibly short time he would carry you over the whole field and tell you where that question had been discussed in Queen's Bench in England, in New York, in Massachusetts, or before the Supreme Court of the United States, with a facility, with a clearness, with a power so great that I was always astonished at his attainments.

Our deceased brother has been criticised as being a cold and unsocial man. A man cannot accomplish what he accomplished in the few years that he lived, in profound learning, in the most difficult of all the professions—the legal profession, and have time to talk with every man he

meets on the street, or with men who may happen to go into his office except with business of his profession.

On my own part I have always had, with very trifling exceptions (and these are not now remembered), the most perfect understanding with my brethren of the bar, and I have never had a better understanding with any one than with brother Jenckes. I never met a more social man, whether in or out of the profession, to me, than our brother Jenckes. He had the appearance of being a cold and reticent man. But if I have ever met with a man whose heart beat against my own on all questions of a social or political or friendly or professional nature, that man was Thomas A. Jenckes.

Now, the late Samuel Y. Atwell, whom some of us knew well, was a man of great brilliancy, demonstrative in his character, and he would show a sociability to men that Mr. Jenckes would not. But it was in the manner of the man, and not in the heart or in the feelings. It is pleasant for me to say that I passed these more than thirty-five years with our deceased brother, always without a cloud between us, without a moment's misunderstanding, but always with a most cordial and sweet reciprocity and mutuality of sentiment and respect on both sides,

I know that Mr. Jenckes had this character. He was a man born for the public, for great affairs, for great questions, and had he lived to the age that some men live to, and had had health, he must have left behind him a reputation for these virtues of character, for public virtues, that any man may be happy to attain when he reaches his three-score years and ten. The greatest of men and the greatest of minds seldom or never reach the pinnacle which he attained to, and there his name will stand in the memory of the legal



profession for all time. Seldom does any man reach that position at the age at which Mr. Jenckes the deceased reached it.

Brethren, we have met here to bear testimony to the virtues of our deceased brother. I now call upon you for remarks befitting this occasion.

REMARKS OF HON. BENJ. T. EAMES.

*Mr. President* :—Assenting as I do, to the just and appropriate tribute of respect paid to the memory of Mr. Jenckes in the resolutions reported by the committee, I am unwilling that this occasion should pass without a word from me. In the death of Mr. Jenckes, the bar has lost one of its most prominent members, and the State one of its ablest citizens. Gifted with a clear, quick and strong intellect, and a remarkably retentive memory, and with an innate love of the law, he early in life acquired a thorough knowledge of the legal and equitable principles and of the forms and modes of proceeding by which justice is administered in the courts : and so accurate in these respects was his knowledge, that he rarely, if ever, in practice failed to apply the proper remedy to redress a wrong or to enforce a right. With what skill and ability he managed his cases, either upon questions of law to the court or upon the facts to the jury, those of us who with him have followed these courts for the last twenty or thirty years, know full well. Whoever was associated with him as counsel felt that he had a strong arm upon which to rest, and whoever was opposed to him, if prudent, would not venture upon a trial without a full and thorough preparation of his case, both upon the law and upon the facts. The records of the State courts show the

great amount of labor which he performed, and the reports of the Supreme Court bear ample testimony to the nature and extent of his practice, and the importance of the cases in which he was engaged.

Early in his professional life he attained a prominent place among the leading members of the bar of the State, and his extensive practice in important cases in the Circuit Courts and in the Supreme Court of the United States secured for him an enviable position among the leading lawyers of the country. Perhaps it is not too much to say of him, what can truthfully be said of but very few lawyers, that he was master of his profession.

In the halls of legislation he was nearly if not quite as successful as in courts of justice. While a member of the General Assembly his influence was always felt in its deliberations, and upon important questions often controlled and determined its action. Such was the result of the great speech which he made upon the constitutional right of the General Assembly to grant a new trial in the case of Hazard and Ives. That speech will long be remembered by all who listened to it, not only for the great learning which it displayed, but also for the irresistible logic with which it sustained the position for which he contended, that under our constitution the judicial power was vested solely and exclusively in the courts. It was a great speech, and a masterly vindication of the great principles of liberty and law upon which a free government rests.

For four terms Mr. Jenckes served as Representative in Congress from the first district in this State. He at once secured a leading place upon the committees and in the House, and in the discharge of the responsible duties of that political trust, fully sustained the high reputation he had

previously acquired. Few members of Congress have accomplished more than Mr. Jenckes, and I venture to assert that no representative of this State since the days of Tristram Burges, has left a more enduring record of his services. His name will always be associated with the first efforts that were made in Congress, to secure reform in the civil service of the country; and though under the law passed, the experiment has not proved entirely successful, still his efforts were not without beneficial results, and the time may yet come when the system he devised will become a part of the policy of the general government.

His name stands identified with the law providing for an uniform system of bankruptcy throughout the United States, and that law as recently amended will no doubt stand permanently as a part of the statute law of the land.

These were the great measures with which his name was connected in Congress, and which have secured for him a national reputation, which will not soon pass away.

Mr. President: I have known Mr. Jenckes more or less intimately during my whole professional life. I have often been associated with him, and as often opposed to him as counsel in the courts, and have been many times with and for him, and once or twice opposed to him in political life; and never during this whole period, with a single exception, and then when he seemed to be under a kind of political frenzy, have I received from his lips an unkind word. And what is true of myself in this respect, I also believe to be true with reference to the members of the bar generally. His self-control was indeed remarkable. It was one of the strong points of his character, for "he that ruleth his spirit is better than he that taketh a city."

Mr. Jenckes unquestionably had his faults. Who of us has not? Let us bury them beneath the sod in yonder cemetery where now rests the earthly tenement from which his spirit has fled from this to the other world. We shall all require a like charity when death comes,—and “we are but minute-men here,” as was remarked by Mr. Jenckes a short time before his death to one of his brethren of the bar, with a full consciousness at the time that his own life was suspended upon a slender thread, and that its silver cord would soon be loosened. And, however strong our hold of life may now seem to be, we are in truth all of us but minute-men here.

“And our hearts though stout and brave,”

as they ought to be while the battle of life lasts.

“Still like muffled drums are beating,

Funeral marches to the grave.”

#### REMARKS OF HON. JAMES H. PARSONS.

*Mr. President and Gentlemen of the Bar:*—I think that if it be the duty of any one to speak at a meeting of the Bar concerning the death of the Hon. Thomas A. Jenckes, it is mine. It is perfectly well known to all the members of the profession of his age and of mine, that, for a period now covering almost nineteen years, I have been as closely associated with him socially, personally, and professionally, as any one could be. I entered his office a great many years ago, but not as a student; I had been admitted to the bar of Philadelphia, and under the requirements of our statute, not having been a member of that bar for a period of three years, it was necessary that I should remain for the period of six months in the office of a practitioner here. I entered his office through the advice and suggestion and, in fact, with the assistance of a gentleman who has been my friend

for years. (I refer to the Hon. Edward D. Pearce). It so happened that I had been brought up in the office of my honored father, where the kind of practice was mainly that in equity, and the preparation of causes for trial through briefs, and at my entrance into Mr. Jenckes's office, there seemed to be a special use for a knowledge of those branches of the profession. With pleadings in equity I had become more familiar than a man at the time of his admission to the bar ordinarily is; and also with the method of preparing causes for trial. I very soon became intimately acquainted with Mr. Jenckes. I studied his characteristics; I studied his intellectual peculiarities. And it so happened that at that time his business took him away from home more than it ordinarily had, and he gave to me the management and the conduct of a great many cases, particularly those relating to mortgages, given by and the insolvency of the late Welcome Farmum, up through the Blackstone Valley, which involved a great deal of litigation, and which continued for a great length of time, during which, while I acted for him, his electric letters, containing few words, were the aids to my action and the basis of final success. I think that for nineteen years I have thoroughly known Mr. Jenckes. His power of analysis was amazing, his memory was wonderful. I suppose that he first acquired a knowledge of the benefits, the exercise and use of analytic power through the teachings of Dr. Wayland, and those who have graduated from the University under Dr. Wayland will know precisely what I mean when I say this. He possessed an amazing knowledge of the law; his facility for acquiring a knowledge of cases was at times astounding to me. He could go through a case and give a knowledge of the principles upon which it had been decided, with more rapidity



than anybody I ever met with. Gen. Cushing, our Minister to Spain, once said to me: "Mr. Jenckes possesses two qualifications, which, if he possessed only ordinary ability, would make him a cultivated and accomplished lawyer; But with his great ability, they make him a great one." Said I: "What are these qualities?" Said he: "Intense power of concentration, combined with an amazing memory." I suppose that these two qualities do make a successful lawyer, even if he possesses inferior ability. Certainly, in Mr. Jenckes's case, they made him an eminent one.

I knew Mr. Jenckes, as I say, thoroughly well, personally and professionally. It has been suggested by the President, that he was cold at times—an unapproachable man. That is true, but not, in any sense, so far as my knowledge of him goes. I know this fact,—and I do not intend in stating it to intrude in the slightest degree upon the privacy of any domestic life,—but I know that his family, his children, had an affection for him that was almost idolatrous. It was astonishing to me at times, to behold their fondness and admiration for him. If that coldness existed to other people outside of his family, it certainly did not exist there.

I remember,—and I don't know but that it is better by means of an illustration to set forth what I desire to have understood. My purpose in giving this illustration is to show his profound knowledge and his love of literature, and his acquaintance with English literature, and with the literature of France; he read French with facility, although he did not speak it. Thorough and profound as was his knowledge of the law, his knowledge of almost everything was as profound as that of anybody I ever knew. He sent for me to come to his office one evening, and said: "We have to get up a brief in this case, and I have to go to New

York to-morrow, and I want to get it done to-night." We went to work: I held the pen and listened to his dictation. He brought in law books from his valuable and extensive library, and I made the memoranda: and, finally, at quite a late hour, he said, "We are through with this, I think; but let us see where we are." He proceeded and went through with everything that we had done. "Now," said he, "out of that you can make a brief, I am sure." I said I thought I could. "Then," said he, "let us go into the other room and look at a little literature." I remember that he went in and took down the three volumes of the best edition I have ever seen of Talfourd, containing both his poems and his essays, and he read one or two passages from *Ion*. He said: "Is it not a splendid thing to think that the man who wrote that was a member of our own profession, an accomplished lawyer and cultivated judge?" I repeated to him, then, for the purpose of ascertaining if he knew who was its author, a poem which appeared in *Punch*—where I may say some of the most graceful poems in the language have appeared concerning those who have departed. That poem begins thus:

"In the very hour when duty  
To its dearest dust was wed,  
Pleading for the poor and needy,  
Talfourd's gentle spirit fled."

And it concludes, after a reference to the fame to be acquired in the Crimean war, then raging, thus:

"Happy fate! but higher, nobler  
Count the doom 'twas his to meet,  
Who declaring Heaven's own message,  
Died upon the judgment seat."

He spoke in earnest admiration of the poem and insisted upon my giving a copy.

The last time that I saw him, years after the incident I have related, and just before my recent visit to Europe, he said, "Now you must find out before you get home who wrote that Talfourd poem. That is my commission for you." I did find out, but when I returned he was hardly in a condition to receive the information from me. Richard Monckton Miles, Lord Houghton, was its author.

Another thing about our Mr. Jenckes was that this knowledge he used in every possible connection with his profession. I have seen him in the court-room, not only here, but elsewhere, use illustrations which he drew from his memory, one of which I am satisfied in one instance carried his case. It was before Judge Grier, in Pennsylvania, with whom I had an intimate acquaintance, and the Judge was so thoroughly pleased with the method of the introduction of the quotation that I am sure it influenced his mind in favor of Mr. Jenckes, and operated strongly in the favorable decision he secured. And in all these years of intercourse, of personal friendship, and of kind regard, I cannot recall any occasion on which Mr. Jenckes and I ever had a moment of personal difference. We might have some difference upon questions arising in the course of the cases with which we were connected, and I am very free to say that there were some cases in which I was a little annoyed at his failure to attend to matters which I thought he ought to attend to, because I thought it was throwing more responsibility upon me than was proper. There were two or three instances which I recollect in his Congressional career. There were cases coming on here in which I did not think it was proper to put everything upon me, and I desired assistance from him. I did not get it, and had to do the work alone; and when he came back and I met him again he

never failed to express his approval. In one or two instances he rather objected to things that I did. "Well," said I, "as you were not here, I had to take the responsibility and do as well as I could." Said he, "I don't speak that in any sense that you will take to be unkindly, only I should have acted differently." "Well," said I, "if you had given me your advice and assistance, and had been here, things might have been different."

I say what I have said of Mr. Jenckes because of the associations which have existed between us. He was to me, I think, almost—I cannot say wholly—but almost the ablest lawyer that I ever had any personal connection with. There were one or two others with whom I had been associated that possessed certain qualities which he did not possess. But in industry, in strength of mind, in the profoundest memory, in a most thorough knowledge of the law, and in, as I said before, a most amazing power of analysis, he was equal to any one with whom I ever came in contact, and in these respects he was thoroughly great. I am speaking of a gentleman who was my friend. He was kind to me. It was through him that I have acquired whatever position I may have gained at the bar. Certainly, it was through him that I began business here; and it has been through him that I have been connected with cases elsewhere in Federal and State Courts, and which have enabled me to gain some reputation, professionally, outside of this State, and which, I hope, I shall be able to maintain. Thus, then, and in this presence,

"I fling my pebble on the cairn  
Of him, though dead, undying."

For to me, Mr. President and gentlemen of the Bar, he  
*is undying.*

## REMARKS OF HON. B. F. THURSTON.

*Mr. President:*—I much regret that circumstances prevented me from knowing, until within the last hour, that it was the intention of the Bar to meet to-day to exhibit their respect for the memory of Mr. Jenckes. I am unwilling, however, to allow the occasion to pass without offering a slight tribute, although a most imperfect and unsatisfactory one, to his many eminent qualities.

It is indeed fitting, when a master among us is temporarily withdrawn from our companionship by the event that with reference to this life is death, that those who best know him in the profession which he adorned, should suspend for a moment the routine of their labors, and make a formal record of their appreciation of those qualities of mind and character which gave him distinction among his friends. In the contemplation of every life which has achieved success, there are lessons to be learned, merits to be praised, excellencies to be imitated, and faculties to be admired.

In any age and among any people, Thomas Allen Jenckes would have taken rank among the great men of his time. He was richly endowed by nature with those qualities of mind which irresistibly carry their possessor into the front rank of leading men. Not made after the common mould of men, he exhibited a type of organization of which he was almost the only example. He was consequently imperfectly understood by those who had not the best opportunities for knowing him, and this often led to criticism that was as unjust as it was superficial.

No man among us more thoroughly loved the profession of the law for its own sake than he. His mind was capable of grasping its broadest principles and of appreciating its nicest

distinctions. His prodigious memory was a treasure-house of precedents from which he could summon at will an army of authorities to support the logic of his reasoning. But his mind was not thrown into doubt by the conflicting decisions which the lawyer finds on every important question, for he was capable of going back of precedent to principle, and evolving clear, consistent lines of reasoning from the clouds of confused judicial thought. Neither did he prostitute his profession for its baser rewards. He cared more for the triumph than for the spoils of the victory. He was singularly indifferent to the cultivation of extrinsic aids to success, but relied upon his own conscious strength and the strength of his cause. He was never found conciliating juries or flattering courts. He sought the favor of no patron, never turned aside for the great, or trampled upon the rights of the low.

Most men called him of a cold and frigid nature. There is a sympathy of the heart which expresses itself in acts, and a sympathy of the lips which is no more substantial than words. Of the latter Mr. Jenekes had little, but of the former he had much. More by far than he had credit for among men at large. I first saw his gentler nature manifested when I applied before him with others as a candidate to be examined by him for admission to the bar. The occasion has been an ordeal to many of us. I felt instantly that I was in the presence of a great man. After the rigid examination was concluded, he, in a kindly and paternal way, gave to us advice as to the methods of study to be constantly pursued if we would win success, and pointed out in a few terse sentences, whose impression was the deeper from this quality, that permission to practice involved only the greater duty of conscientious study. It



was only three years later, and while I was still almost a stranger to him, that one of those sudden visitations of Providence came to me as I was ascending the steps leading to this building, and which are sent to teach us that there is only one short step between this life and the one beyond. I was taken up for dead. With returning consciousness, the first face that I recognized was that of Mr. Jenckes, who, while others were dismayed, with all the calmness of the physician, and with all the tenderness of a woman, ministered to my needs. More than twenty years have passed since then, but I have held in constant remembrance the exhibition of sympathy and kindness of heart which Mr. Jenckes manifested while he carried me to my home.

No lawyer ever met Mr. Jenckes as an antagonist without being impressed with his power. It was no security against apprehension that one had the stronger side of the cause. His fertile mind was constantly on the alert to discover the most vulnerable point of attack. You were only safe when you had the final judgment of the court of last resort. All his victories were fairly won by the legitimate weapons of the law. He was the most tenacious and persistent of men in holding to and pursuing every legal advantage, but he never stooped to deception or artifice to carry his point. Perhaps the best evidence of Mr. Jenckes's recognized superiority is his political record in this State. His name was repeatedly before the people, but no man ever charged him with courting popular favor by trimming to suit a popular humor, or by resorting to any of the unworthy arts of the demagogue. He owed nothing to personal popularity, but all that he received was the free tribute of a people conscious of his fitness to honor the office which he was willing to accept.

## REMARKS OF HON. CHARLES S. BRADLEY.

*Mr. President:*—The chairman of the committee appointed at the last meeting of the bar to provide for this meeting, and other proceedings in regard to the decease of our Brother Jenckes, rather commanded me, in which I recognize their right to command me, as being perhaps the member of the bar whose acquaintance was earlier and most intimate with Mr. Jenckes, as well as long continued, to represent my brothers in presenting to the court such resolutions as they might adopt; and for that reason I had not expected to do anything at this time, but sit here and listen to what my brethren had to say.

And entirely satisfactory to me, as I trust it has been to all of you, has been the communion of the past hour in regard to him. But I must say that I should prefer to be relieved from the more formal duty which the gentleman assigned me, and to say the little I have to say in the simplest manner to the brethren of the bar; and my reason for it is, that it is really too personal for public utterance, and it seems to me to be more suitable for this friendly meeting which we are having to-day.

My recollection of Mr. Jenckes, like your own, Mr. President, goes back more than forty years. I can see him to-day, with entire distinctness, as I first saw him, walking up the paths of the college green to Hope College, a chubby, rather overgrown boy, in a round-about and home-made clothing, with no grace of movement, but rather an awkward swing, which I can now see indicated something in his character, for "the child is father of the man,"—that is, nature gives us certain qualities which may be said to

make their way, aided or thwarted by education, into the man of the future. I can now see that in the positive swing to which I have reference there was a consciousness of power in his very carriage,—a movement which he had a right by nature to assume. I am happy to recollect that at once we became friends: we very often walked out together in the morning, back again at night to his mother's house—the same (now adorned with even tropical beauty) where we found him last Saturday upon his bier. We prepared for your examinations, Mr. Professor, and of other gentlemen of the faculty, by sitting down and reading attentively to each other the pictured pages of Livy or the easy flow of Xenophon's *Anabasis*. One of the first remarks he made to me was that he was a lonely boy at his school, that his teacher was a kind of waif from the ministry, who had a great faculty for mathematics, and who took a great pride in the development of this his only pupil. On the very day of his burial, I inquired who that teacher was, and it seemed that this early impression was a correct one. He was a man not apt at speech, but a good scholar: a clergyman without a parish, who became Mr. Jenckes's teacher. Mr. Jenckes came from him untried in the experience of most of us boys—in the experience of competition, but with a quiet consciousness that he had been able to do everything well that he attempted to do at all, and without the least offensiveness in any assertions of that power in regard to others. He seemed to be unconscious that there were others around him who could or could not do what he was undertaking. It seemed to me that the period of our education was a period of peculiar interest, as I suppose such periods appear to all. At that time Carlyle was first beginning to interpret the German to the American mind, and give us

the idea of a spiritual force which should be felt in a material age. There was Emerson, just giving us the more subtle and evanescent truths and beauties of nature and life, surrounding his central thought of the sufficiency of the soul for itself. And there was Brownson, with homely New England vigor, travelling the circle of all the beliefs and unbeliefs, to rest at last in the bosom of the Catholic church. There was Channing, tranquil as the meadows which surrounded his farming home in your island of peace, but with deep undertones like those of its world encircling sea. Macaulay with his brilliant and sensible essays gave us an historic panorama for an afternoon or evening's enjoyment. Christopher North was in his zenith. And of all the men who led us at those times, I think Jenckes was most enamored of the wit and wisdom and rollicking power of that great nature. I recollect him reading with the utmost satisfaction some of the glorious indulgences, if I may so call them, of the "Noctes Ambrosiane."

Such were the new lights of our boyhood. Aesthetics with Ruskin's poetry of nature and art. The scientists of our time were unknown then. Not to become the laudator *temporis acti*, I can but refer to those who led the boys of our day perhaps somewhat astray, and to the great glowing nature of him who specially delighted the various intellectual tastes of our brother Jenckes, when a boy.

Another peculiarity of the boy Jenckes, which, as I looked upon his strong and comparatively youthful frame, as he lay upon his bier, it seemed to me had tended to place him there. The time of which I speak was one when Alcott, Graham and others, were introducing their theories of the beneficial effects of abstinence from certain kinds of food and beverage. We had a so-called temperance table in

Commons Hall in those days. Mr. Jenckes never heeded such matters; he never even attended to the ordinary rules of exercise and care of his health, and I cannot but feel that during his later professional life, in this the child was father of the man.

His journeyings and studies were prolonged without regard to the periodic rest which nature demands. He was indifferent to a choice in his physical sustenance, as he was when he spurned our Graham table and its abstinences. We know that within us the struggle of life and death is always going on, with the certainty that death will at last have the mastery. How far the constitutional inheritances of his nature; how far this neglect of the simple rules of health, put that man, so strong, so young to the eye, upon his bier at fifty-seven, it is not easy to say; but I fear that one characteristic of the boy continued in the man tended to his untimely death. It is only a day or two since I happened to meet a gentleman, one of the most eminent of the graduates of our college, one of the most successful in the career of life, owing merely to his good judgment. He was in college at the same time with Mr. Jenckes. Said he: "The impression he left upon me was that of his fondness for poetry; I recollect that as a more marked characteristic of Mr. Jenckes than anything else." I know it will strike some of you with surprise, and I therefore quote his impression of Mr. Jenckes formed in those days, before giving you my own, which is precisely the same.

Horace, Pope and Byron were his special favorites. For the new and serene light of Wordsworth he had but small appreciation. Though his firm brain made him a teacher in mathematics, and he was equal to any study, his chief love was for poetry. And I have to thank him, that after being

two years together in college, he led me to my first reading in that divine art. The lesson was not of the highest. It was Byron's *Corsair*,

"O'er the glad waters of the dark blue sea."

His poetic tendency was shown in his life, not less than in his reading. Though not easily moved by the tides of emotion which, with, or without reason, ebbed and flowed in our college life, not easily sympathizing with others, not one of the first to be taken into our secret and social clubs, he was credulous to the last degree of anything new and strange and suggestive of the poetic and unaccustomed powers of nature. I see a gentleman now before me, who with Jenckes and myself attended a clairvoyant's seances. What he told us, as the results have proved, and as seemed more clear to that gentlemen than to myself, was absurd and idle in the last degree. (I state some of them, not to the reporter.) To them our brother Jenckes in the poetry of his nature gave entire credence.

Let me touch upon another fact peculiarly interesting to my brethren of the Bar: when we left college, I, uncertain what to do, stayed there awhile. He went at once into his profession, into Mr. Atwell's office up in Chepachet. I well remember after the lapse of several months, the utterly despairing letters which he wrote me. In Mr. Atwell's great library he had undertaken to make himself master of his profession, taking not, as Bacon said, all knowledge for his province, but all the lore of the profession he meant to make his own. Taking hold of that immense task, he with his strong powers realized what a task it was, and his heart failed him and he almost shrank back. I refer to that to show you how deeply and thoroughly he studied the law as



a science, and as a whole, before he would undertake to apply it to practice. I replied to him in his despair, "Why not come down here and take a tutorship in mathematics. It would be but play to you, and perhaps rather a healthier atmosphere than the hardness of your present studies." He accepted the position for a time.

Now, later in life, without indulging in comparisons, because a comparison, to be of any use, requires a distinct estimate of two different beings, and Mr. Jenckes was large enough to occupy our whole attention in the endeavor to understand him, I will merely make this remark, that having had occasion along through life to meet various members of the profession in this country, among them Pettigrew, the best lawyer of the South, wise enough never to go to Washington; Meredith, the strongest man in the profession in our Central States, and our own Curtis, of the North, I believed that in massive intellectual force, Thomas A. Jenckes was the equal of any of them. That he was a great man no one doubts. Could any one ever be in his presence without being conscious of the presence of a great intellectual power?

You ask, "In what did his greatness consist?" Magnetically we all felt that he had great powers. But what was the secret and peculiarity of his powers? In this connection, we refer to a criticism pronounced upon him by an eminent source, that he was deficient in judgment. Now to say that a man of great powers, cultivation and opportunity failed in judgment, is to say that his intellect was a failure, because what you ask of intellect and its culture is wisdom.

We do not concur in that opinion. Can we not perceive, however, the source of the error, and the partial birth

there is in it? In the freedom of our conference here, where I wish we had no reporter, I will speak of it briefly. To me Mr. Jenckes's great mental characteristic was the creative power, the imagination, the power that bodies forth to the mind's eye shapes and forms of its own creation, as if they were real: not merely in poetry; he could write in rhyme or in measure: I do not speak of that merely, but rather of the imagination as you find it, not only in the verse of Shakspeare but in the prose of my Lord Bacon. The same creative power you will see without regard to its mere external form. Now it has been said of Lord Bacon, "that he had the mightiest imagination that ever bowed its neck to the yoke of the human reason." There the resemblance failed. My Brother Jenckes's imagination was not always bowed to the yoke of his reason. During my experience of life with him, though mainly of professional antagonism, and my impressions then would not be reliable, but as a colleague coöperating with him, I found that where he wished to accomplish any object, certain ideas and points would spring out of his great resources of learning and of mind, and he believed in them and sent them forth as champions of his cause. To my mind they often seemed to be creatures of his imagination. It was this very week that, in a mere business interview, one of the most eminent men of the country, who has held its highest professional office, expressed the same opinion of this characteristic of Mr. Jenckes. We may here misjudge. Mr. Jenckes may have been right and his critics wrong. It is not the highest and best view of a cause that always prevails even with a court. It was because of the greatness of his imagination, over which he did not always hold the reins, that he, as an advocate, would take points which others, colleagues and courts, thought were not sound.

Now, on the other hand, according to my experience of Mr. Jenckes, I never found a fairer mind or a sounder judgment than his, where he took the seat of judgment. When you went to confer with him, for instance, to say, "Now our opinion is desired upon this matter. What is the true law in relation to it?" there his judgment was as reliable as that of any man. There is no failure of judgment when he is exercising his judgment. There may be a failure when, in a position for which nature did not intend him, he becomes an advocate; but that is my impression of his mental characteristics. And in this his great power was also his great peril. As to his personal and friendly qualities, we all concur in what you, Mr. Thurston, Mr. Eames, Mr. Parsons, have said.

I am happy to say now, that quick and over-sensitive as my brothers of the Bar know that I am, where I think any injustice is rendered to myself or my clients, during these nearly forty years of antagonism, almost never—*never* except for a few hours and at the rarest intervals, (I can now remember but one occasion,) did Mr. Jenckes's relations with myself become even cold, and in that case he had previously in the same trial received provocation. Once we were directly opposed in a political controversy. He challenged me to public debate. When the hemlock of defeat was awarded to me, I said to him, the first time we met, in the words of the old sage—

"Which of us to the better part?"

He took my hand and responded at once in the spirit which marked our relations through life. When, in the experiences of life, I have needed sympathy, no one was more prompt, more genuine, more supporting in that sympathy than this friend of my boyhood and my life.

It is said he was not social. Mr. Jenckes was wise enough to give a quite infinite preference to his domestic, his home life, over social life. There were no happier homes in our New England (if I may venture thus far to refer to it) than his own, until the shadow of death on his flock of daughters darkened its doors.

It may be said of him as of the great New England lawyer, Samuel Dexter, the very aspect of the man showed that he was occupied with the thoughts within rather than the events around him. As a public man—modest and brief, in this respect as in all, as our resolutions are,—we have a right to be proud of him. First, as to the spirit in which he administered his public duties. He used his office as a trust and not as property. Patronage, close of kin to corruption, found little favor at his hands. His successor, our Brother Eames, will correct me if I am wrong in the impression that he was among the first, if not the very first, to make the appointments for cadets at West Point depend upon competitive examinations, and not upon his will or favor. (Mr. Eames—"That is true.")

*Detur Digniori* in this as in all the occasions of his public duties. Such purposes in public life deserve our respect and those only. No success can compensate for the want of them. Would not his great teacher, Dr. Wayland, and those so deservedly associated with him in the work of instruction, have been as well satisfied with this illustration of the duties taught from the chair of Moral Philosophy as they were with his illustration of that analytic power which Mr. Parsons justly said so characterized him in the estimation of his fellow jurists?

To what tasks did he betake himself in his Congressional career. As a lawyer, he knew that the great business of the

courts all over the country in all time arose out of the relations of debtor and creditor. He also knew as a wise man of affairs, that it was of the utmost importance that the law of this relation should be the same in the same country, and that in business at least our country is one and the same, from Maine to Texas, from the Atlantic to the Pacific. He therefore devoted himself to the endeavor successfully, after many years of effort, to procure a uniform system of bankrupt law. To this endeavor he encountered the most varied and vigorous opposition. The towering leader of the party, which had complete control of the House as of the country, a man of the highest mark for intellectual powers and magnetic force, opposed it as fatal to the supremacy of any party which adopted it. The imperfections found in the law itself, are largely owing to the necessity of conciliating support by modification of its provisions. But the idea of the law is right, and to Mr. Jenckes's strong arm and to his persistent labors for years, it is owing that the system was adopted, adding to the English bankrupt law, which is a creditor's law, the American tendency to make it a law for the benefit of debtors also.

The other cause to which he devoted himself was the civil service reform. The danger in our hundredth year of experiment, which the sagacious Jefferson said would be our period of trial of self-government by the people, is from the corruption of those appointed to public service, from the selfish uses of power by public men. To meet this danger, Mr. Jenckes and others proposed measures to test by examination the intellectual and educational qualifications for office. That is possible. The moral fitness is not so easily tested. But the man who is mentally qualified has taken a long step towards the complete qualification for office which the public welfare requires.

Add to Mr. Jenckes's intellectual greatness, the fact that no one ever questioned his loyalty to his client in his profession, his loyalty to his home in his domestic and social life, his loyalty to his public duties in the discharge of his public trusts, and that would be an eulogy for any man. The Scriptures say there is none perfect, no, not one. Our friend was not perfect. But from the hardest of human lips, the Romans, came the maxim, "Nil mortuis nisi bonum." He seemed to me as he lay upon his bier to add "nisi verum." I have obeyed him. To close in the words of Tennyson's Ode to the Great Duke :

"Speak no more of his renown,  
Lay your earthly fancies down,  
And in the vast cathedral leave him  
God accept and Christ receive him."

REMARKS OF HON. WILLIAM W. HOPPIN.

*Mr. President* :—It may seem presumptuous in me to stand up here after the eloquent words that have been uttered by my brethren of the bar ; and, sir, it is only an imperative sense of duty and justice to the memory of the deceased which tempts me to say a word. I shall occupy but a moment of time. Some tribute may possibly be expected from one who has known Mr. Jenckes longer, perhaps, than any gentleman of the bar present, or in the State, without claiming to have been an intimate friend of his, or a confidential friend in business or public matters, but, yet, who has been in such relations toward the deceased as to be able at this time, now that his earthly career has closed, to form a correct judgment and estimate of his character. If, sir, the impression which his character has left upon my mind were not one of admiration and respect, I should have remained



silent. But, sir, as that character has impressed itself on my mind, as an outside observer more and more, with a power and influence the effect of which I could not resist, I am bound to say in what that power and influence consisted.

Now, sir, the coldness of Mr. Jenckes's nature—the nobility of his nature—did not diminish but rather enhanced my regard for him—a character that outsiders had nothing to do with. Those things which are merely conventional—the manner that belongs to the individual, oftentimes comprise all that meets the eye of the world. But from that we cannot judge what is in the heart of a man. Deep below that cold exterior may have dwelt a sympathizing nature, best known only to those who had the best right to know.

Now, sir, without taking up your time, I would state in a few words, what I consider to be the leading features and traits of Mr. Jenckes's character. It was, according to my observation, loyalty to truth and right. I don't think, sir, that it was in his nature or in his power to violate any private or public trust, or any principle of right and truth. He marched straight forward to the truth of every question, and he acted upon his conviction of that truth, not claiming to be more moral or more honest than other people,—but such was his nature. He was seeking after the kernel of truth; and when, sir, his mind was satisfied that he had found it, then alone was he satisfied to act upon it. Why, sir, it is a memorable fact in the long and comparatively public life which has been granted to him, in the conspicuous positions which he has occupied in this State, that the charge of corruption, the charge of time-serving, has never been fixed upon him. No, sir; and he was a man in my judgment, and as I have good reason to believe, before whom no

one would dare to present any dishonorable proposition. That, sir, is what my experience of him has taught me, and I have come in contact with him in trying and delicate positions where he was personally interested. Where questions of policy and expediency were agitated, he always planted himself squarely upon the principle of truth and right, whether it made for him or made against him. And, sir, that was the secret of his power and the secret of his influence. That is the reason that he had such control over the minds of the people of this State. Why, sir, it may be said of him that he was considered a safe man—a safe man as a counsellor, a safe man as a legislator,—and that when he had made up his opinion upon any subject, it was about as near correctness as human power could attain, and it was in this spirit that he walked abroad in our community. The public inquiry was: “What is Mr. Jenckes’s opinion?” “Has he given an opinion?” And the reply was: “Mr. Jenckes thinks so and so,” and the people were then satisfied that that opinion was correct.

He has gone from this to a higher and a better state, as we trust. For, before I close I am happy to take this opportunity of saying that I am informed that in the closing hours of his life, in full possession of his mental powers, he gave high testimony to the truth and binding obligations of religion, and passed away in the hope of pardon through Jesus Christ.

On motion of Hon. E. H. Hazard, the resolutions were unanimously adopted, and the President was instructed to present them to the Court with a request that they be entered upon the records of the Court, and also instructed that they be published, and that a copy be forwarded to the family of the deceased.

## PROCEEDINGS IN THE SUPREME COURT

SATURDAY, NOV. 20, 1875.

[Before Chief Justice Durfee, and Justices Potter and Matteson.]

At the opening of the Court many of the members of the bar were present, and the Hon. Samuel Currey presented the resolutions relative to the decease of the Hon. Thomas A. Jenckes, adopted on the 13th instant, at a meeting of the members of the Providence County Bar, and requested that they should be entered in the records of the Court.

Chief Justice Durfee responded as follows:—

We willingly grant the request of the Bar. It is eminently fit that this Court, before which Mr. Jenckes practiced for more than a third of a century, should preserve in its records so just a memorial of the estimation in which he was held by his professional brethren. The wish has been expressed that the Court will not let the occasion pass without adding their tribute to the many kindly tributes which his death has elicited. It is entirely consonant with our feelings to gratify this wish, though, for myself, I can but feel that I have little to say which has not been already better said by others.

The praises which have been bestowed upon Mr. Jenckes are, I think, fully merited. Immediately upon coming to the bar, he took rank among the leaders of the profession,

and quickly outstripped all but the very foremost of them. His knowledge of the law, though it may not have been systematically amassed, was of immense range and singular accuracy. I do not think there was any legal problem too intricate for his analysis, any refinement too subtle for his apprehension, any doctrine too repulsive for his study, or any inquiry too recondite for his indefatigable research. He was equally at home in the black letter folios and in the most recent reports. His memory was marvellously retentive, and was enriched with the choicest treasures of history, political philosophy, and ancient and modern literature. He is said even to have been curiously learned in many matters which are ordinarily given over to special study. But he was no pedant, and never made parade of his learning to attract a barren admiration. He was not a captivating jury advocate, but, in his addresses to the court he was always effective, and he not infrequently produced a profound impression. When I used first to hear him he was somewhat deficient in clearness, as if his power of expression was not commensurate with his power of thought, but he outgrew this defect, and, in some of his later efforts, he spoke with a compact and massive energy of argumentation, which was as luminous as it was irresistible. This was so especially in the speeches which he made on great public questions, both in our General Assembly and in Congress. When I came upon the bench, there was a cause awaiting decision in which the late Judge Curtis was counsel against him. It involved a valuable water privilege, and called for a discussion not only of voluminous masses of contradictory testimony, but also of complicated theories and hypotheses in hydraulics and mechanical engineering. I did not hear the *viva voce* discussion, but judging from the written and

printed record which was laid before me, I think it not too much to say, that in the minute mastery of facts and figures, in the easy handling of scientific and mathematical proofs, and in the logical disposition and development of the argument as well, he was a match, if not more than a match, for his more famous antagonist. This, however, was a case in which counsel had to deal with a difficult question of fact, to be determined by induction and experiment. In power of reasoning by deduction from legal principles and in sureness of judgment in the application of legal principles, I do not think Mr. Jenckes was the equal of Judge Curtis, if, indeed, Judge Curtis, in his later years, had his equal anywhere in the country.

Mr. Jenckes was more than a lawyer. He had the capacities and the aspirations of a statesman and a legislator. He had, too, the statesman faculty of prevision, and he clearly foresaw the coming storm of the late rebellion while it was yet merely muttering in the distance. His courage was as conspicuous as his foresight. In the darkest days of the war he never, for a moment, despaired of the Republic, and never, for a moment, counselled any but the boldest measures for its preservation. The principal proof of his legislative talent is our present bankrupt act, which he carried through Congress by his indomitable perseverance, and which promises to remain a permanent part of our jurisprudence. Our patent and copyright laws, in their revised form, are also his work. He initiated competitive examinations for admission to West Point. In the matter of civil service reform, he was in advance of his age, but a future generation will gather the fruit of his labors and will crown them with enduring renown. The Bar of Rhode Island may well be proud of so illustrious a record made

by a Rhode Island lawyer, and may well lament that a mind so ripe in wisdom, so rich in resources, so fruitful of great designs, has been cut off so early in its career.

In compliance with the request of the Bar, we direct that the resolutions which have been presented, and which so aptly characterize the talents and services of our deceased brother, be entered on the records of the Court.



[*Providence Journal of December 13, 1875.*]

The following graceful communication touching the domestic life of a man whose public services are a part of the fame of the State, is from one who had intimate opportunities to know him, in his private relations, and who understood the qualities that endeared him to his friends and made him the central figure of a happy and delightful home.

"They are the native courtesies of a feeling mind, showing themselves amid stern virtues and masculine energies, like gleams of light on points of rocks."

This beautiful simile which the poet, Dana, uses in speaking of a respectful and affectionate son's attentions to his mother, might well be employed to describe Mr. Jenckes in that relation. His regard for his mother's comfort and his watchfulness of her wishes were as constant as they were unobtrusive.

The first time I saw the mother and son together, Mr. Jenckes drove me out to his summer residence in Cumberland. The family had now outgrown the house, and he was building additions to it. "Additions, not alterations," he said, as we approached the homestead. "You will find a peculiar house. This is my mother's house; she built it, and likes every room in it; it would disturb her to make any change in it; so I am just lifting her up into the air,

and putting new rooms underneath." In fact, the old house remained unaltered till her death; nor, I believe, did he ever allow the apartments which had been hers to be interfered with by improvements.

One marked feature of Mr. Jenckes's character as it presented itself to me, one of which I have seen no public mention, was his love of nature. I never saw him at the sea-shore, nor among mountain scenery, but I was often at his house in the country, and had opportunities of observing his knowledge of trees and shrubs, and their haunts and preferences. "He spake of trees, from the cedar tree that is in Lebanon, even unto the hyssop that springeth out of the wall." He knew the notes and habits of the birds, where to find the nests of such or such a species, where to look for the fringed gentian or other shy flower.

As he had an intimate acquaintance with every lowly plant, and a special friendship with each nobler tree, a walk with him about his farm was very pleasant, whether in the early summer morning he made me wade through the dewy grass while we counted the different kinds of trees (I wonder if the list we made is still in existence), or in autumn he gathered handfuls of ripened leaves and discoursed about their glowing tints, and filled the hour with wit and wisdom and poetry.

Perhaps, as I stood at the door, he would come from his library and call my attention to the play of light and shadow over the fields, or interrupt himself in some profound remark to bid me listen to the sound of the pigeons' wings as they went and came, "like so many ladies with silk gowns rustling through the air," he said.

He knew all the traditions of the country, and would tell the story connected with the spot named "Nine Men's

Misery," as we drove along, and why "Robin Hollow" and "Martin's Way" bore those names. Where some deep cutting had been made, he would observe the masses of sand and speculate on the ages implied in such vast deposits. Next, perhaps, some sassafras trees would catch his eye, and he would state the fact that there were no others nearer than such or such a spot.

When he spoke he gave one so much to think of, that one was glad of the long silences which he interposed, (I might say which he imposed,) as giving opportunity for reflecting and remembering.

I walked through his grounds a few days ago, and felt how sad it was to miss that strong pervading presence. The grand oaks remained, but the grand spirit that had watched and loved them had departed.

Perhaps those who met him only as the preëccupied lawyer, or heard of him only as absorbed in public duties, might have seen him in yet another light, had they known that he was careful to have a bench placed around the large black oak, just outside his gate, that tired wayfarers might there sit and rest themselves; or, that he had seats here and there in his woods, because he liked to think when he was away, that rural lovers or young people from the villages above and below would come there on Sundays.

That seems to me a tender thought in the man with whose coldness his fellow-citizens were wont to find fault. I do not hesitate to speak of this cold manner of his, because all who will read what I am writing are aware what was the general impression with regard to that. But let me add, that for my own part, I always thought this lordly indifference became him. It suited his size,—it suited his voice,—it suited his turn of expression.

There was nothing petty in his manners, nor in his moods. Direct and weighty was his step, in every sense. Magnanimous seems to me the one word that best describes him. I have heard a friend say, if that word were not in the English language, it would have been invented for him. Indeed, these were the two things that most impressed me in my acquaintance with him: his love of nature, and his magnanimity.

If he ever felt that he was misunderstood or insufficiently appreciated,—and I have seen him when he might so have felt,—he betrayed no such feeling, and condescended to no complaint of man or circumstance.

That the tenderness deep-seated in his nature was not often shown or generally recognized,—was it a fault? Was it a merit? Who would “wear his heart upon his sleeve for daws to peck at?”

Among the sweet waters of the earth, not the least to be admired and blessed is the cool brooklet, which solicits our notice with no bubbling out-burst or bright overflow, but betrays its existence only by the greenness that marks its course.

A man's home knows most about his heart. Of Mr. Jenckes's political, his professional, his business life, I can say nothing. It was in his home that I saw him, and there I saw that to his young daughters he was the ideal of nobleness and excellence. I may perhaps be pardoned for saying of that one who was early taken from him, and whom he has now gone to meet, what might be less proper to relate of those who survive to mourn him,—that I have seen a flower presented by him on some festive occasion, held a choicer and more precious offering than all the gifts brought by other and younger friends.

The book or poem which he praised was read or committed to memory; a word of approbation from him called up a blush of pleasure. His return after an absence was the signal for rejoicing, and his wish when it could be ascertained was law, and the law was delight, as it was to the Psalmist.

That Mr. Jenckes was sensible of his own, I will not say deficiencies, but of his inadequacy of manner, the following extract may show.

When "the shaft from the quiver of the dark angel had stricken" one of his flock (these are his own words,) I was summoned to his house. One evening he gave me a letter in which, after begging me "not to think it strange that he was speechless," and remarking on the startling suddenness of his bereavement, he said of this beautiful and beloved daughter, his Ida:

"To me the loss is greater than it can be to all others. She was an emanation from myself, where all that was rude, became beautiful, all that was hard, tender,—all that was harsh and severe, gentle,—and all that was stern and rough became sweetness and elegance. She had so interfused herself with my life, and she was so healthy and pure, that I never thought of existing without her. I could resign her to become the joy, the light, the comfort of some brave man's home, but I had never thought of having her torn from me—thus. O, how much light has departed from my house!"

If I have erred in writing too freely of those sacred things, do thou, great shade, forgive me!

When, in 1860, the era, not of good feeling, but of torch-light processions, there was a very large show of that sort in Providence just before Mr. Lincoln's election—to me, gazing idly at the long array, suddenly came down Mr. Jenckes's

voice, as he stood beside me, with the words, "It would not take much to turn those men into soldiers," and he went on bidding me imagine those faces all set stern in battle. Already he saw the approaching conflict, and, as I listened to him, I could almost have fancied his the voice of some Hebrew seer in the days of King Rehoboam, and myself a woman of Jerusalem, forced to hearken to a prediction of war between Judah and Israel, and made to behold the coming miseries of her people.

But what I think touched me more than any other thing I ever observed in this great man, who, I am proud to remember, called me friend, was the effort he made, when four years ago he was left alone to guide his household. It was pathetic to see him paying little attentions to guests, to see him trying to make talk with some one who might be thought feel sad or overlooked; to see him doing in short what he had never done or dreamed of doing, while there was another who did with perfect, spontaneous grace all that he was now laboriously attempting in her stead. Pathetic? it was almost heart-breaking. But I will say no more. Thus much may I hope he allowed me, for a hand not strong enough to add a pebble to "the grey stone of his cairn," may yet be permitted to pluck a bit of wayside green, and lay it at its foot.

S. S. J.

*Providence Journal, January 5th, 1876*

So much has already been said about Mr. Jenckes since his death, that it seems like presumption to attempt to add anything; and yet I cannot allow him, with whom I maintained such intimate relations for so long a time, to pass away forever without one word from me.

I knew Thomas Allen Jenckes thoroughly and well, as well as I am capable of knowing a man. He was, as my readers already know, one of that class of remarkably bright men who graduated from Brown University in 1838. I well remember their commencement exercises, and how delighted I was with the brilliant effort of Judge Bradley on that occasion. I introduced myself to him the same evening at Dr. Wayland's levee, and thus our acquaintance began. Mr. Jenckes I did not meet till long afterwards. I took my office on the corner of College and South Main, on the 26th of February, A. D. 1838, and commenced boarding with Mary Ann Smith, the Quaker lady, in the rear of Angell street. Payne was there, young and bright and buoyant, seeing everything, hearing everything, reading everything, remembering everything. Ames was there, a young bachelor, in all the pride of his early manhood, brimful of his profession; strong, confident, hopeful, with his gaze already fixed upon that position which he was so soon destined to occupy, the foremost place at the Rhode Island bar. Payne and Jenckes boarded and roomed together for



a long time at William H. Smith's, father of our present John W., and the first recollection I have of Jenckes, is Payne telling me that he wanted to become my partner. This must have been in the summer of 1840. Jenckes was then a tutor in college and studying his profession at the same time with Samuel Y. Atwell; and the first time I can recall having seen Mr. Jenckes, he came into my office early in September of that year, and expressed some impatience to go to work. We at once formed a copartnership, which commenced on the 25th of September, 1840, and continued eleven years. During all that time I saw him daily and at all hours of the day, and under all circumstances. Our purposes were one, and we had no secrets from each other. From the day he entered my office to the day he left it, there never passed between us a word or syllable of unkindness.

I had been at that time for three years one of the clerks of the House of Representatives, and the week after he came with me, the General Assembly meeting in Bristol, I resigned and he was elected in my place, and held the office some four years. It was during this period that he perfected himself in all the forms as well as substance of legislation. The session in Bristol at which he was appointed was a somewhat remarkable one. Then it was that James F. Simmons was first chosen Senator, and memories of Governor Sprague, John Whipple, Mr. Atwell and others, crowd thick and fast upon me for utterance while I write. The suffrage question was then deeply affecting the State, and soon after broke out into open rebellion. Governor Dorr's office joined ours, from 1838 till he left in 1842.

When Governor King appointed his Council, they met in our office, and held daily sessions there for seven months:

Governor King, Governor Fenner, Governor Arnold, Richard K. Randolph, Nathan F. Dixon, Samuel F. Mann and Edward Carrington. Mr. Jenckes was appointed their secretary. Every State paper was drawn by him, and bears his impress. And how hard it is to suppress the wish to dwell for a moment upon some of the scenes which transpired there. What commotion and what intense excitement that old office of mine witnessed when John Whipple, Governor Francis and Elisha R. Potter were sent an embassy to Washington to petition John Tyler to interpose the arm of the federal government in our behalf. Mr. Jenckes possessed by far the most perfect collection of documents and letters for a history of the Dorr rebellion of any man in the State. I happen to know that it was his purpose to supervise the editing of such a work, and that before he died he placed the papers in the hands of one competent to the task, which ere long will be well done.

It is not easy for those of this generation to realize the political commotions which agitated our little State from September, 1810, to the adoption of our present constitution in 1843—the Harrison campaign, the Dorr rebellion, the two conventions to frame a constitution. Mr. Jenckes was secretary of both, and in these several capacities of Clerk of the House, Secretary to the Governor and Council, and Secretary of the Conventions to frame the constitution, he made the personal acquaintance of every leading man in the State, and performed an amount of labor which would make some of our modern office-holders open their eyes.

One little episode occurs to me at this moment. Under the old charter, the General Assembly met every two years in October, at Kingston, and the sessions of '11 and '13 were stirring and remarkable ones. Blodget was there in '13 with

his account of expenses incurred in the Bellingham affair, and many exciting scenes occurred both within and without the legislature. Those of us who survive cannot recall those scenes without a thrill of melancholy pleasure. But, alas! what desolation hath not death made in our ranks? Governor Fenner and almost all his Senate, General Greene, Sam. Ames, William Ennis, George Rivers, Blodget, Jenekes, and recently our old friend Samuel A. Coy, of Westerly.

At the session there in 1841, Madam D'Hauterville, the daughter of David Sears, of Boston, was divorced by the legislature, and after the divorce, Mr. Sears took Jenekes to Boston, and kept him a week writing a history of the married life of his daughter, and of the divorce, which was published in a book.<sup>4</sup>

Besides these public duties, Mr. Jenekes's professional life for its first decade I know to have been a busy one. His friend Governor Anthony has already told your readers, in that admirable and exhaustive article published the day after his death, of the mark he made in his correct interpretation of the bankrupt law in 1841. But his labors were multifarious. Everything he did was well and thoroughly done, too, and when I look back to those ten years, from 1840 to 1850, and call up the men and scenes of that period in and around

<sup>4</sup> This is not quite correct. Madame D'Hauterville was not divorced from her husband by the Legislature of Rhode Island. In June, 1841, the Legislature passed an act to secure the fulfilment of certain contracts and for the relief of married women in certain cases. Soon after its passage, Mrs. D'Hauterville came to Newport and remained there during that summer. At the next session, (October, 1841,) Baron D'Hauterville petitioned the Legislature to be excepted from the operation of this act. Madame D'Hauterville opposed his petition, and a somewhat acrimonious debate followed, and this it is to which H. refers. The fact that Madame D'Hauterville claimed in her remonstrance to be not a resident of Rhode Island, took the point from the petition of her husband, and he was granted leave to withdraw. The law still stands as chapter 151 of the General Statutes.

College street, I think, take them all together, for intellectual strength, for brightness, wit and social qualities, they were never surpassed in the history of our State. Rivers was there, fit companion for Jerrold and Lamb in their palmyest days. Ames was there, the equal of any lawyer in New England. Clarke was there in all his young strength and brilliancy, the only match for Rivers at repartee. Hart was there, giving early promise that he would ere long become the best advocate at the Rhode Island Bar. The Journal office and Journal office clique were there. The T. R. I. A. O. E. F. was there, with its brilliant array of talent, wit and learning. Thomas W. Dorr, Thomas B. Fenner, Walter S. Burges, Samuel Currey, so long its secretary, and others. I have never listened to any discussions which I thought surpassed those we used to have at our evening weekly meetings in the basement of the old Journal office. The society celebrated the Fourth of July in January with a supper at the City Hotel, and an oration and a poem. It may be that those of the Franklin Society equal ours, but it does not seem to me possible. Think of an oration by George Rivers, in which everybody and everything were hit right and left, and a poem by General James G. Anthony, on the same evening, with Mayor Bridgham presiding at the table, Mr. Hunter, Mr. Atwell, Albert G. Greene, and I don't know who else, as guests. Such was the scene the night the news of the loss of the Lexington reached us at our feast. And in all these scenes and occasions, Mr. Jenckes was most prominent, reliable and indispensable of our party.

It is known to most people in Rhode Island, that Mr. Jenckes lived with Samuel F. May until he went to college, and there he learned many a useful, practical lesson, which

he never forgot, amongst them the art of book-keeping. Few experts were more thoroughly versed in it. I have seen him detect and expose many a well-laid scheme of fraud in a set of books.

Aside from Mr. Jenckes's labors as a lawyer and a public officer, he rendered an immense amount of service during these ten years of a mere political partisan character. Take for example the year that the Subterraneans made Charles Jackson Governor. Those not engaged in that contest have little idea of how much had to be done; an organ had to be established, a newspaper, edited and printed, to advocate our cause. It was called *The Tribune of the People*, and that jolliest of men, Robert Sherman, of Pawtucket, who was its publisher, has many a racy anecdote connected with the "Knights of the Round Table," as its contributors were called. It has already been stated by one who knew the best what a frequent and spicy contributor Mr. Jenckes was to the Providence Journal, but it has not been told that at one time, somewhere about '47 as I recall it, he was for many weeks its sole editor during the absence of its regular editor. Our good friend, Charles J. Wheeler, so long connected with the Journal office, can relate many an interesting story about him at this period.

Mr. Jenckes was quite as remarkable for the extent and accuracy, yes, above all things accuracy, of his attainments outside of his profession as in it. There were few better mathematicians even among the learned professors than he was. He was an excellent practical surveyor, and his knowledge of history and biography extended over a wide range, both ancient and modern. I have never met the man of more correct taste in, or keener appreciation of poetry, Greek, Latin and English.

During the first four years that he was in my office he read all of Homer's *Iliad* in the original for amusement, but he never said anything about it. His private library, when he left me, was comparatively small, but every book was a gem; and as I heard Abraham Payne once truthfully say that the difference between Mr. Jenckes's library and those of other gentlemen was, that Jenckes knew everything his contained.

But Mr. Jenckes's knowledge was not confined to books alone. If ever the opening lines of *Thanatopsis* —

"To him who in the love of nature holds  
Communion with her visible forms, she speaks  
A various language;"

were true of any man, they were of him. From the great truths of Astronomy down through Geology to the minutest flower in Botany, he betrayed a familiarity and an interest, when he chose to speak of them, that I have rarely heard from the lips of any other man. I am at this moment reminded of a visit he made of a fortnight to my brother, Dr. William H. Hazard, at Wakefield, some twenty-six or seven years ago it may be. The house was full of young people then, and I think they all tried to make his visit pleasant to him; but my brother and his wife never cease to speak of it to this day. He had laid aside all labor, and was for once perfectly abandoned. He found them all good listeners, and he evidently took pleasure in pleasing them. They say his habit was, if he commenced talking upon any subject, Napoleon Bonaparte and his campaigns, for instance, at the dinner table, the whole family would frequently remain spell-bound for an hour, enchanted with his anecdotes and personal reminiscences. My brother, who, without any pre-

tence, knows something about trees and plants and flowers, has often told me that in their daily rides every one was a new surprise to him at the extent and minuteness of his knowledge. He seemed perfectly familiar with every tree, shrub, plant and flower in all the Narragansett country, which is so varied in botanical production.

I had seen something of the men of this country before I saw Thomas A. Jenckes, and I have seen a great many since the 25th of September, 1840. With possibly two or three exceptions, I never met the man that I thought had more power and grip than he had. I know my estimate is high, and different perhaps from many of my brethren, but Mr. Jenckes had many an encounter and intellectual conflict in all the leading forums in this country from 1840 to 1875. If any of his antagonists have won any laurels from him, where is the record? But my opinion is little worth, I know. Let me repeat what a few out of a great many have said of him to me.

Dr. John E. Weeden, of Westerly, is himself no ordinary man, either in power or in attainments, and has seen much of mankind. I shall never forget the surprise he expressed when he first came to know Jenckes in the General Assembly. He said he had never known anything like the extent and thoroughness of his knowledge.

Rowland G. Hazard, a name well known to the foremost thinkers both in this country and in England, as a writer upon political and philosophical subjects, and whose acquaintanceship extends among the higher ranks of authors, rated Mr. Jenckes intellectually among the very strongest men in this country.

A very few of my older readers may have heard, possibly seen, a man by the name of Sylvanus Holbrook, a large



manufacturer in Worcester county, who failed and died some years ago. He was a man of large business capacity, and great experience with men. He employed Mr. Jenckes in a very troublesome and complex litigation after his failure. He told me he had tried all the Boston lawyers and his peer was not there; and he told me, too, what I had discovered ten years before that, that he was capable of more prolonged, continuous and effective mental labor than any other man he ever knew. His brain was not only strong, but tough. In this particular I never met his equal in but one man, and that was Governor Stevens, who married the daughter of Benjamin Hazard, of Newport, and was killed at the second battle of Bull Run. Welcome Farnum, whom I never heard called a fool, noticed the same thing, and spoke to me of it more than once. I will mention the name of but one other gentleman, and that is Dr. Ezekiel Robinson, President of Brown University. He was his classmate, but saw little or nothing of Jenckes from the time they graduated, in '38, until he returned to the University some few years ago. He has been to hear Jenckes make several arguments, and it gives me pleasure to know that such authority as Dr. Robinson admits that there are few, if any, men in this country, his superior in intellectual strength and power of argumentation. I have a letter of commendation from Ben Butler, couched in still stronger language, which I have mislaid.

But I do not rely upon any man's opinion in making up my judgment of the ability of Thomas A. Jenckes. I knew him in our office, I knew him in the courts, I knew him in his daily life as few other men knew him. The men with whom he started in life were remarkable men. James F. Simmons, in my deliberate judgment, hasn't his superior in

the American Senate to-day. Samuel F. Man, one of the ablest men of his times. John Whipple was a host in himself; and neither of them ever met him, that they did not find their match. Ask Judge John P. Knowles to give you an account of a speech Jenckes made in a secret legislative caucus in Newport, nearly twenty years ago, when Jenckes was himself a candidate for United States Senator.

Mr. Jenckes possessed three great moral qualities, which frequently accompany intellectual strength: courage, fortitude and patience in as eminent a degree as any man I ever met. I do not believe he ever experienced the sense of fear. I have seen him in all kinds of danger, and when death stared him in the face, and I never saw him blanch once. Heaven knows, poor fellow, that he had trouble enough, personal, professional, and of a business character. Show me the man that ever saw him flinch, or heard one murmur escape those lips. I have seen him the leading counsel in a most exciting trial which lasted continuously forty-six days, manifesting neither impatience nor ill temper under the attacks of the numerous counsel arrayed against him, and this, too, while domestic afflictions were hovering over his hearthstone.

But I have trespassed too long upon the patience of my readers. Since Mr. Jenckes left me in 1854, I have known him only as other men have known him. He never should have left me. It was perhaps as much, if not more, my fault than his.

I should do violence to my own feelings if I failed to remember his most excellent mother. She was one of the truest, purest and best of women.

E. H. H.

[*A privately printed Monograph.*]

THE statesman, the lawyer, the man of letters, and the teacher, have each in their turn given us their reminiscences of Thomas Allen Jenckes,—why should not I, who am but a plain man of business, but yet one who withal knew somewhat of the man departed, why should not I add my little, to that already accumulated, that posterity may learn why some of us thought well of him. Thrown by the nature of my avocation into daily contact with the best intellects in Rhode Island, I came by necessity to know Mr. Jenckes, whose mental requirements soon made themselves manifest wherever he was.

If to the comparative anatomist the claw of an animal is a sure guide to the kind of food required by the wearer thereof, or the perturbations of the surrounding planets indicate with unerring certainty to the cool and clearly reasoning astronomer the existence of a new planet, so likewise may one who knows the character of books determine the mental character of the readers thereof—books, like their progenitors, are companions.

Mr. Jenckes was a voracious reader: he could devour the contents of a book while other men were considering the question of reading it. He was a judicious reader, knowing intuitively the portions to pass over unread,—for all books are not to be all read.

An examination of his library would disclose books in every department of science, of history, of literature, books

not kept for ornament, but showing hard marks of use. He would sometimes read the veriest nonsense as a relief to his mind after some severe mental labor. His sense of the ridiculous was keen, and his wit was bright. I have known him to come late from the courts, while yet the sternness of battle sat upon his brow, sit down in his office and read for an hour some of the light witticisms of the day, like *Phenixiana*, or *The Widow Bedott Papers*, laugh at their nonsense and enjoy their fun, and arise from his chair as fresh as a morning in June.

How much I have drawn from the stores of knowledge which others have acquired with whom I have been thrown in contact, the good Professor Dunn and the genial and gentle Albert G. Greene, were they living, could amply testify, for times without number have I vexed them with my questions, and listened in return to the conversation of men whose lips were always opened for some good to come forth.

Among all the men to whom I am indebted for kindnesses like these there was no man to whom I was more indebted than to Mr. Jenckes. Whoever smote the rock of his knowledge was amply rewarded with the abundant streams which gushed forth. His judgment of books, guided by his immense reading, was good, for certainly his knowledge was ample, and he was as ready to describe to me the merits of the latest poem, as to teach me of the smoothness and elegance of the language of the *Institutes of Justinian*.

Never shall I forget a ride to Stonington, during which Mr. Jenckes talked to me of the Roman law, a subject of which I was profoundly ignorant. He spoke of the marvellous recovery of the manuscript of *Gaius*, and of the remarkable similarity of its language to that of the *Institutes*

of Justinian, of which Tribonian had been supposed to be the author. He almost repeated the splendid chapter from Gibbon on these subjects, and with eloquence discoursed of the smoothness and roundness of the language in which these ancient laws have come down to us, made so, as he said, by the discussions of the Roman lawyers as they paced, after the day's work was ended, the floor of the Forum, discussing the foundation and nature of their laws, and rounding the phrases in which they found expression, as the pebbles upon the beach were rounded into form and polished by the ceaseless beating of the surf upon the shores of the sea.

The uses and advantages of such a conversation to a young man are beyond calculation, no matter in what direction his walk of life may lead him; a desire for further knowledge is awakened which must be gratified; new and fresh thoughts aroused, and direction and force given to vague and indefinite desires. Thus the wholesome influence of the scholar survives his departure, as Longfellow has recently so well expressed it:

— when a great man dies  
The light he leaves behind him lies  
Along the paths of men.

Many a time have I sat in his office with him while he related to me stories, with which his mind was filled, of the political struggles of 1842. With what spirit and enthusiasm he described to me his fruitless search through the town on the night of the 17th of May, 1842, for the commander of the Law and Order forces, and how, in the early morning of the 18th, the commander, Gen. Martin Stoddard, emerged from his hiding place and appeared on the side-

walk on south Main street, with his excuses to Governor Fenner, who listened to them with contempt, and seizing Stoddard by the collar, thrust him into the street, while he ejaculated in his severest tone: "And you a Major General!" affording, as Mr. Jenckes laughingly said, the shortest trial and sentence by a court martial which had come within his knowledge.

A few months before his death, Mr. Jenckes requested me to go with him to his office, where he gave me a copy of every printed brief, argument, and speech, which he had made. He then brought from their dusty hiding places, boxes of papers, from which he selected certain packages, and which he desired me to remove and to keep safely, at the same time stating that these documents would be of value in elucidating the history of the change in Rhode Island from the charter government to the constitutional form. Upon examination, these parcels were found to contain letters from the most prominent men in the State upon the political questions of the day, the private journal of the Governor's Council during 1842, in Mr. Jenckes's own handwriting, and a great many papers, valuable to the future historian of these events. Allusion to this circumstance having been made in a recent daily paper, it is mentioned here only to illustrate the relations which existed between Mr. Jenckes and myself, and to show the confidence that, for some reason to me unknown, he reposed in me. These documents are still in my possession.

The evenness and balance of his mind was, as one of the ablest of his contemporaries has well said, one of the best evidences of the greatness of the man; unmoved by disasters which would have appalled most men, he pursued the even tenor of his way; assailed by a political malignity

unequall'd in our day (but rather a relic of 1833) : seeing in a day his entire fortune wither like a leaf in autumn, and, as with a single blast blown from the face of the earth : meeting directly thereafter the loss of political friends consequent upon such a catastrophe—who ever heard him complain ? I well remember a tale told in public during one of these exciting conflicts, by a member of the Society of Friends, whose sombre countenance, long coat and traditional history bespoke a better government of the tongue—a tale which, if true, made Mr. Jenckes little better than a highwayman—within ten minutes afterwards also have I seen the written records of confutation—the maligned had no word of complaint to utter, while he exhibited the proofs of his innocence : but the tale of the maligner had done its work. Both are now gone ; the traducer is face to face with the traduced, and both are before a judge in whose judgment there will be no error.

An extract from one of Mr. Jenckes's poems so well illustrates such an act as that described that I cannot forbear making a quotation :—

“ So thine own bird the warrior eagle nurs’d  
Where rolls the avalanche and thunders burst ;  
Scor’d from his mountain eyry free and high,  
And thousands watch’d him wheeling through the sky :  
Upward he sprang exulting on his flight,  
Then paus’d and flutter’d—from his cloudy height  
Men saw his fall, and wonder’d as he gaz’d ;  
No bolt was sped—no blasting lightning blaz’d.  
The secret viper, curl’d beneath his wing,  
Poison’d the life blood in the heart’s warm spring,  
Sank the proud bird, once monarch of the skies,  
His dying hymn the raven’s funeral cries.”



To all the calumnies which poisoned the minds of men during these political struggles, he made no answer.

“Trusting a power beyond all rulers’ art,

The power that guides to truth the human heart.”

We all know the dignity of his demeanor, the almost austerity of his manner, but underlying these there was kindness, as the writer has experienced. Some one recently, in one of our daily papers, said: “The oak that stands apart from its fellows becomes the monarch of the forest;” so with Mr. Jenckes, who, yet further like the oak, maintained an erect position amidst the howlings of the tempests, unmoved by clamor, and diffusing knowledge as the oak distils from its leaves and limbs gentle nourishment for the humbler plants below.

I come now to speak of certain events which most men are only too willing to suppress, but by the disclosure of which another phase of character in Mr. Jenckes may be illustrated: neither do I know of any other way in which it can be so well illustrated as by this personal history. If it tends to exhibit a fine trait of character overloaded by defraction I surely may be pardoned for alluding to it. Adverse winds had shattered my pecuniary fortunes. Upon learning this fact, Mr. Jenckes came at once to see me, made minute inquiry into the causes and extent of the disaster, proffering me at the same time advice and counsel, such as only those possessed of abundant wealth could command, given without a pecuniary consideration to one, at the time, entirely unable to repay him. Throughout my troubles he continued to guide me by his legal advice, and encourage me by his daily counsel, not forgetting to leave his home on the Cumberland Hills in the early morning to supply me with

arguments necessary, as he thought, to my assistance, but unasked for by me—and albeit ignorant as I was of the fact that he knew the day on which I should need them.

If by this personal exposure I have thrown a light upon the character of one of Rhode Island's greatest men, I have done what I could to repay his kindness, and I mind not the sacrifice of the exposure.

If I have succeeded in exhibiting the character of Mr. Jenckes in a pleasant light, the desired result in attempting this paper has been accomplished.

To other and abler pens than mine must be left the task of analyzing the character of this great man: the extent of his great learning, the grasp of his mind, his analytical power, the clearness of his reasoning, united as were all these qualities to his great love of nature, of poetry and of wit.

SIDNEY S. RIDER.

Providence, January, 1876.

























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